

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CLINTON BROOKS JR.,)
)
 Plaintiff,)
)
 v.)
)
DAVE BELL, Fraud Investigator,)
Deputy State Sheriff, in his personal)
and official capacity,)
)
 Defendant.)

4:07CV3226

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Motion to Proceed In Forma Pauperis on Appeal. (Filing No. [45](#).) On January 30, 2009, the court dismissed Plaintiff's claims with prejudice and entered judgment against Plaintiff. (Filing Nos. [42](#) and [43](#).) On February 18, 2009, Plaintiff filed a timely Notice of Appeal of the court's Judgment. (Filing No. [44](#).) Plaintiff is not a prisoner and has previously been granted leave to proceed IFP in this matter. (Filing No. [5](#).)

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed in Forma Pauperis

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless the district court – before or after the notice of appeal is filed – certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis. In that event, the district court must state in writing its reasons for the certification or finding.

The court finds that because Plaintiff proceeded IFP in the district court, he may now "proceed on appeal in forma pauperis without further authorization."

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Proceed In Forma Pauperis on Appeal (filing no. [45](#)) is granted.
2. The Clerk of the court shall process the appeal and shall provide the Court of Appeals with a copy of this Memorandum and Order.
3. Plaintiff's Motion for Bill of Exceptions (filing no. [47](#)) is denied as moot. The Clerk of the court will process the appeal electronically and the Eighth Circuit will have access to the entire court file.

March 2, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge